HOUSE . . . . No. 1291

The Commonwealth of Massachusetts

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PRESENTED BY:

Garrett J. Bradley

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To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to Level 3 sex offenders residing near schools.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	3rd Plymouth

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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AN ACT RELATIVE TO LEVEL 3 SEX OFFENDERS RESIDING NEAR SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Subsection (2) of section 178 K of chapter 6 of the General Laws, as amended by section 6 of chapter 303
2 of the acts of 2006, is hereby further amended by adding the following paragraph:-

3   (f) No sex offender classified as a level 3 offender shall establish a residence within 1,000 feet of
4 any elementary or high school. Any sex offender who violates this paragraph shall, for a first conviction,
5 be punished by imprisonment for not more than 30 days in a jail or house of correction; for a second
6 conviction, be punished by imprisonment for not more than 2 ½ years in a jail or house of correction nor
7 more than 5 years in a state prison or by a fine of not more than $1,000, or by both such fine and
8 imprisonment; and for a third and subsequent conviction, be punished by imprisonment in a state prison
9 for not less than 5 years; provided, however, that the sentence imposed for such third or subsequent
10 conviction shall not be reduced to less than 5 years, nor suspended, nor shall any person sentenced herein
11 be eligible for probation, parole, work release or furlough, or receive any deduction from his sentence for
12 good conduct until he shall have served 5 years. Prosecutions commenced hereunder shall neither be
13 continued without a finding nor placed on file.